

Orders Relating to Request for Domestic Violence Restraining Order

These questions are asked on a number of forms. If you enter the information here, it can save you time. As you go through the forms, you can ask the self-help center staff for more help.

Your Full Name (First, Middle, and Last):

Your Street Address:

Your City: State: Zip:

Your Telephone Number: Area Code: Number:

Name of person you want protection from:

Court Name:

Court Street Address:

Court Mailing Address:

Court City, State, and Zip:

Branch Name:

Description of person you want protection from

Gender: ☐ Male ☐ Female

Date of Birth: Month: Day: Year:

Age:

Weight (in pounds):

Height: Feet: Inches:

Race:

Hair Color:

Eye Color:

**Restraining Order After Hearing
(Order of Protection)**

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Protected person's name:

(first) (middle) (last)

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Telephone number (optional): _____

Lawyer (if any): (Name, address, telephone number, and State Bar number): _____

2 List the full names of all other family or household members protected by this order: _____

3 Restrained person's name:

(first) (middle) (last)

Description of that person: Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____
Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
Relationship to protected person: _____

4 **THE COURT ORDERS** are on pages 2 and 3 and attachment pages (if any).

The orders end on (date): _____ at (time): _____

- If no date is written, the restraining order ends 3 years after the date of the hearing. The hearing was on (date): _____
- If no time is written, the restraining order ends at midnight on the end date.
- Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the children are 18.

5 ☐ The people in **1** and **3** must return to this court/department on (date): _____
at (time): _____ ☐ a.m. ☐ p.m. to review (specify issues): _____

Certificate of Compliance With VAWA

This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.

Your name:

☐ **Personal Conduct Orders**

The person in ③ must **not** do the following things to the protected people listed in ① and ②:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
☐ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise

Peaceful written contact through a lawyer or a process server or another person in order to serve legal papers is allowed and does not violate this order.

☐ **Stay-Away Order**

The person in ③ must stay at least _____ yards away from:

- a. ☐ The person listed in ①
- b. ☐ The people listed in ②
- c. ☐ Home ☐ Job ☐ Vehicle of person in ①
- d. ☐ The children's school or child care
- e. ☐ Other (*specify*): _____

☐ **Move-Out Order**

The person in ③ must move out immediately from (address): _____

☐ **Child Custody and Visitation**

Child custody and visitation are ordered on the attached Form DV-140 or (*specify other form*): _____

☐ **Child Support**

Child support is ordered on the attached Form DV-160 or (*specify other form*): _____

☐ Spousal Support

Spousal support is ordered on the attached Form FL-343 or (*specify other form*): _____

No Guns or Other Firearms

The person in ③ cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

Turn in or sell guns and firearms.

The person in ③:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of receiving this order.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns and firearms have been turned in or sold.

☐ **Record Unlawful Communications**

The person in ① has the right to record communications made by the person in ③ that violate the judge's orders.

This is a Court Order.

Your name: _____

15 ☐ **Batterer Intervention Program**

The person in ③ must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

16 **No Fee to Notify Restrained Person**

If the sheriff or marshal serves this order, he or she will do it for free.

17 ☐ **Other Orders**

Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (*specify other form*): _____

18 ☐ **Service**

- a. ☐ The people in ① and ③ were at the hearing. No other proof of service is needed.
- b. ☐ The person in ① was at the hearing. The person in ③ was not. But proof of service of DV-110 was presented to the court.
- (1) ☐ The judge's orders in this form are the same as in DV-110 except for the end date. The person in ③ must be served. This order can be served by mail.
- (2) ☐ The judge's orders in this form are different from the orders in DV-110. Someone—not the people in ① or ②—must personally “serve” a copy of this order to the person in ③.
- c. ☐ The people in ① and ③ have agreed in writing to this order. No other proof of service is needed.

19 **Attached Pages are orders.**

- Number of pages attached to this 5-page form: _____
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):
 - ☐ DV-140 ☐ DV-145 ☐ DV-150 ☐ DV-160 ☐ DV-170 ☐ FL-343
 - ☐ Other (*specify*): _____

Date: _____

_____
*Judge (or Judicial Officer)***This is a Court Order.**

Your name: _____

Instructions for Law Enforcement**20 Start Date and End Date of Orders**

The orders *start* the earlier of the following dates:

- The hearing date on page 1 *or*
- The date next to the judge's signature on page 3.

The orders *end* on the end date on page 1. If no end date is listed, they end 3 years from the start date.

21 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

22 Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

23 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

24 Child Custody and Visitation

- The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

25 Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

26 Conflicting Orders

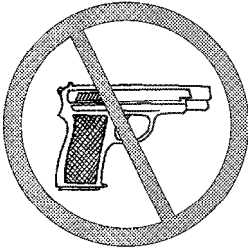
If a criminal restraining order (CR-160) conflicts with a civil restraining order (DV-110 or DV-130), enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the civil order. (Pen. Code, § 136.2(h).) Any nonconflicting terms of the civil restraining order remain in full force.

This is a Court Order.

Your name: _____

Warnings and Notices to the Restrained Person in ③**27 If you do not obey this order, you can be arrested and charged with a crime.**

- It is a felony to take or hide a child against this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands, or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

28 You cannot have guns or firearms.

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

(Clerk will fill out this part)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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SPOUSAL, PARTNER, OR FAMILY SUPPORT ORDER ATTACHMENT

TO ☐ Findings and Order After Hearing ☐ Judgment ☐ Other (specify):

THE COURT FINDS

1. A printout of a computer calculation of the parties' financial circumstances is attached for all required items not filled out below.

2. **Net income.** The parties' monthly income and deductions are as follows (complete a, b, or both):

	Total gross monthly income	Total monthly deductions	Total hardship deductions	Net monthly disposable income
a. Petitioner: <input type="checkbox"/> receiving TANF/CalWORKS				
b. Respondent: <input type="checkbox"/> receiving TANF/CalWORKS				

3. **Other factors regarding spousal or partner support**

- a. ☐ The parties were married for (specify numbers): _____ years _____ months.
 b. ☐ The parties were registered as domestic partners or the equivalent on (date): _____
 c. ☐ The Family Code section 4320 factors were considered, as listed in Attachment 3c.
 d. ☐ The marital standard of living was (describe): _____

☐ See Attachment 3d.

e. ☐ Other (specify): _____

THE COURT ORDERS

4. a. The ☐ petitioner ☐ respondent must pay to the ☐ petitioner ☐ respondent
 as ☐ temporary ☐ spousal support ☐ family support ☐ partner support
 \$ _____ per month, beginning (date): _____, payable through (specify end date): _____

☐ payable on the (specify): _____ day of each month.

☐ Other (specify): _____

- b. ☐ Support must be paid by check, money order, or cash. The support payor's obligation to pay support will terminate on the death, remarriage, or registration of a new domestic partnership of the support payee.
- c. ☐ An earnings assignment for the foregoing support will issue. (**Note:** The payor of spousal, family, or partner support is responsible for the payment of support directly to the recipient until support payments are deducted from the payor's earnings, and for any support not paid by the assignment.)
- d. ☐ Service of the earnings assignment is stayed provided the payor is not more than (specify number): _____ days late in the payment of spousal, family, or partner support.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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5. ☐ The parties must promptly inform each other of any change of employment, including the employer's name, address, and telephone number.
6. ☐ **NOTICE:** It is the goal of this state that each party must make reasonable good faith efforts to become self-supporting as provided for in Family Code section 4320. The failure to make reasonable good faith efforts may be one of the factors considered by the court as a basis for modifying or terminating support.
7. ☐ This order is for family support. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this order. The parents must notify the court of any change of information submitted within 10 days of the change by filing an updated form. Form FL-192, *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order*, is attached.
8. ☐ The issue of spousal or partner support for the ☐ petitioner ☐ respondent is reserved for a later determination.
9. ☐ The court terminates jurisdiction over the issue of spousal or partner support for the ☐ petitioner ☐ respondent.
10. ☐ Other (*specify*):

NOTICE: Any party required to pay support must pay interest on overdue amounts at the “legal” rate, which is currently 10 percent.

1 Protected person's name: _____

2 Restrained person's name: _____

3 **Notice to Server**

You must:

- Be 18 or over.
- Not be listed on the restraining order.
- Give a copy of all documents checked in 4 to the restrained person in 2. (You cannot send them by mail.) Then sign this form and give or mail it to the protected person.



Court name and street address:

Superior Court of California, County of

Case Number:

4 I gave the person in 2 a copy of all documents checked below:

- a. ☐ DV-110 with DV-100 and a blank DV-120
(Temporary Restraining Order and Notice of Hearing;
Request for Order; blank Answer to Temporary Restraining Order)
- b. ☐ DV-105 and DV-140 (Child Custody, Visitation, and Support Request; Child Custody and Visitation Order)
- c. ☐ FL-150 with a blank FL-150 (Income and Expense Declaration)
- d. ☐ FL-155 with a blank FL-155 (Simplified Financial Statement)
- e. ☐ DV-125 (Reissue Temporary Restraining Order)
- f. ☐ DV-130 (Restraining Order After Hearing)
- g. ☐ Other (*specify*): _____

5 I gave copies of the documents checked above to the person in 2 on:

- a. Date: _____ b. Time: _____ ☐ a.m. ☐ p.m.
- c. At this address: _____

6 **Server's Information**

Name: _____

Address: _____

Telephone: _____

(If you are a process server):

County of registration: _____ Registration number: _____

7 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name



Server to sign here

This form is attached to (*check one*): ☐ DV-110 ☐ DV-130

- 1 Protected person's name: _____ ☐ Mom ☐ Dad ☐ Other
- 2 Other parent's name: _____ ☐ Mom ☐ Dad ☐ Other

The Court Orders:

- [illegible]

☐ If more children, check here. Attach a sheet of paper and write "DV-140, Item 3 — Child Custody" at the top.

* If Other, specify relationship to child and name of person: _____

- 4 ☐ **Child Visitation** is ordered as follows:

 - ☐ No visitation to ☐ Mom ☐ Dad ☐ Other (*name*): _____
 - ☐ See the attached _____ - page document, dated: _____
 - ☐ The parties must go to mediation at: _____
 - ☐ Until the next court order, visitation for ☐ Mom ☐ Dad ☐ Other _____ will be:
 - ☐ **Weekends** (*starting*): _____ (*The 1st weekend of the month is the 1st weekend with a Saturday.*)
☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of month
 from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time) (day of week) (time)
 - ☐ **Weekdays** (*starting*): _____
 from _____ at _____ ☐ a.m. ☐ p.m. to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time) (day of week) (time)
 - ☐ **Other Visitation**
Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV-140, Item 4 — Visitation" at the top.

- 5** ☐ **Supervised Visitation** — Follow orders on attached Form DV-150.

- 6 ☐ **Responsibility for Transportation for Visitation**
 “Responsibility for transportation” means the parent will take or pick up the child or make arrangements for someone else to do so.

 - ☐ Mom ☐ Dad ☐ Other (*name*): _____ **to** the visits.
 - ☐ Mom ☐ Dad ☐ Other (*name*): _____ **from** the visits.
 - ☐ Drop-off / pick-up of children will be at (*address*): _____

This is a Court Order.

Protected person's name: _____

7 ☐ **Travel With Children**☐ Mom ☐ Dad ☐ Other (*name*): _____ *must* have written permission from the other parent, or a court order, to take the children outside of:a. ☐ The State of Californiab. ☐ Other place(s) (*list*): _____**8** ☐ **Child Abduction**

There is a risk that one of the parents will take the children out of California without the other parent's permission. The orders in Form DV-145 are attached and must be obeyed. (*Fill out and attach DV-145 to this form.*)

9 ☐ **Other Orders**

Check here and attach any other orders to this form. Write "DV-140, Item 9 — Other Orders" on the orders.

10 **Jurisdiction**

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with section 3400).

11 **Notice and Opportunity to Be Heard**

The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.

12 **Country of Habitual Residence**

The country of habitual residence of the child or children in this case is ☐ the United States of America or ☐ other (*specify*): _____.

13 **Penalties for Violating This Order**

If you violate this order, you may be subject to civil or criminal penalties, or both.

This is a Court Order.

☒ This form is attached to DV-140, *Child Custody and Visitation Order*.

1 Protected person's name: _____ ☐ Mom ☐ Dad ☐ Other*

2 Other parent's name: _____ ☐ Mom ☐ Dad ☐ Other*

* If "Other," specify relationship with child: _____

The Court Finds:

3 There is a risk that (*name of parent*): _____ might take the children without permission because that parent: (*Check all that apply*)

a. ☐ Has violated — or threatened to violate — a custody or visitation order in the past

b. ☐ Does not have strong ties to California

c. ☐ Has done things that make it easy for him or her to take the child without permission. He or she has:
(*Check all that apply*)

☐ Quit his or her job

☐ Sold his or her home

☐ Closed a bank account

☐ Ended a lease

☐ Sold or gotten rid of assets

☐ Hidden or destroyed documents

☐ Applied for a passport, birth certificate, or school or medical records

d. ☐ Has a history of: (*Check all that apply*)

☐ Domestic violence

☐ Child abuse

☐ Not cooperating with the other parent in parenting

☐ Taking the children without permission

e. ☐ Has a criminal record

f. ☐ Has family or emotional ties to another county, state or foreign country

Note: If item "f" is checked, at least one other item in items a-e must be checked also.

The Court Orders:

The Court makes the following orders to prevent the parent in ③ from taking the children without permission. These orders are valid in other states and any country that has signed The Hague Convention on The Civil Aspects of International Child Abduction.

4 ☐ **Post a Bond**

The parent in ③ must post a bond for \$ _____.

5 ☐ **Do Not Move Without Permission of the Other Parent or Court Order**

The parent in ③ must *not* move with the children without written permission from the other parent or a court order.

6 ☐ **Do Not Travel Without Permission of the Other Parent or Court Order**

The parent in ③ must *not* travel with the children outside: (*Check all that apply*)

☐ This county ☐ California ☐ The United States ☐ Other (*specify*): _____
without written permission of the other parent or a court order.

7 ☐ **Notify Other State of Travel Restrictions**

The parent in ③ must register this order in the state of _____ before the children can travel to that state for visits.

This is a Court Order.

Your name: _____

8 ☐ Turn In and Do Not Apply for Passports or Other Vital Documents

The parent in **3** must *not* apply for passports or other documents (such as visas or birth certificates) that can be used for travel, and must turn in the following documents:

9 ☐ Provide Itinerary and Other Travel Documents

The parent in **3** must give the other parent the following before traveling with the children:

- ☐ The children's travel itinerary
- ☐ Copies of round-trip airline tickets
- ☐ Addresses and telephone numbers where the children can be reached
- ☐ An open airline ticket for the other parent in case the children are not returned
- ☐ Other (*specify*):

10 ☐ Notify Foreign Embassy or Consulate of Passport Restrictions

The parent in **3** must notify the embassy or consulate of _____ of this order and provide the court with proof of that notification within _____ calendar days.

11 ☐ Foreign Custody and Visitation Order

The parent in **3** must get a foreign custody and visitation order equal to the most recent U.S. order before the children can travel to that country for visits. The court recognizes that foreign orders may be changed or enforced depending on the laws of that country.

12 ☐ Enforcing the Order

The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at:

13 ☐ Other

Notice to Authorities in Other States and Countries

This court has jurisdiction to make child custody orders under California's Uniform Child Custody Jurisdiction and Enforcement Act (California Family Code, part 3, § 3400 et seq.) and The Hague Convention on the Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they will be listed in item 13 above.

This is a Court Order.

☒ This form is attached to Child Custody and Visitation Order (DV-140).

1 Protected person's name: _____ ☐ Mom ☐ Dad ☐ Other

2 Other parent's name: _____ ☐ Mom ☐ Dad ☐ Other

The Court Orders:

3 Parent to be supervised is: ☐ Mom ☐ Dad ☐ Other (*name*): _____

4 **Type of Visitation**

- ☐ a. Supervised visitation
☐ b. Supervised exchange only
☐ c. Therapeutic visitation (licensed mental health professional)

5 **Type of Provider**

- ☐ a. Professional (individual or supervised visitation center)
☐ b. Nonprofessional

6 **Provider's Information**

Name: _____

Address: _____

Phone #: _____

7 **Schedule of Visits** — see Form DV-140 or 10 below.

8 **Costs will be paid as follows:**

- Mom to pay: _____ %
■ Dad to pay: _____ %
■ Other: _____

9 **Contact With Provider**

- Mom to contact provider before (*date*): _____
■ Dad to contact provider before (*date*): _____
■ Other: _____

10 **The court also orders (*specify*):** _____

This is a Court Order.

☒ This form is attached to DV-130, Item 9.

① Protected person's name: _____ ☐ Mother ☐ Father ☐ _____

② Restrained person's name: _____ ☐ Mother ☐ Father ☐ _____

The court used the information below to calculate child support.

③ ☐ A printout of a computer calculation is attached. (Skip to ⑦ if the printout is attached, and do not complete ④ or ⑥.)

④ ☐ **Monthly income**

	Gross income	Net income	Capable of earning	TANF/CalWORKS
Person listed in ①	\$ _____	\$ _____	\$ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Person listed in ②	\$ _____	\$ _____	\$ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

⑤ ☐ **Children of parents listed in ① and ②:**

a. Number of children covered by this order: _____

b. Those children spend _____ % of time with person in ① and _____ % with person in ②

⑥ ☐ **Hardships** considered by the court:

Person in ① Person in ② Explain or attach explanation

- a. ☐ Support for other minor children in the home \$ _____ \$ _____ _____
- b. ☐ Extraordinary medical expenses \$ _____ \$ _____ _____
- c. ☐ Catastrophic losses \$ _____ \$ _____ _____
- d. ☐ Other (specify): _____

⑦ ☐ The **total guideline calculation** for all children (not including additional support) is \$ _____

⑧ ☐ A **Non-Guideline Order** is appropriate instead of the guideline calculation in ⑦. This order is different from the statewide child support guideline set forth in Family Code section 4055.

⑨ ☐ **Other findings:** _____

The Court Orders:

⑩ ☐ **Low-Income Adjustment**

a. ☐ The low-income adjustment applies.

b. ☐ The low-income adjustment does not apply because (specify reasons): _____

This is a Court Order.

Your name: _____

- 11** ☐ A **Non-Guideline Order** of \$ _____ per month is ordered instead of the guideline calculation in **7**.
This order does not meet the child support guideline set forth in Family Code section 4055.
Form FL-342(A) (Non-Guideline Child Support Findings Attachment) is attached.

12 ☐ **Basic child support**a. ☐ Person in **1** ☐ Person in **2** will pay child support for:

Child's name	Date of birth	Monthly amount	Payable to:
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____

b. ☐ Additional children are listed on a separate page.

c. Starting (date): _____ support must be paid to:

- ☐ person in **1** ☐ person in **2** ☐ local child support agency ☐ Other: _____
☐ By the 1st of each month
☐ 50% on the 1st and 50% on the 15th of each month
☐ By earnings assignment order (order to withhold income)
☐ Other (specify): _____

13 ☐ **Additional child support**

(Write the specific amount. If the specific amount is not available, enter a percentage. The local child support agency can collect only fixed dollar amounts, not percentages.)

a. **Costs**Person listed in **1** Person listed in **2** Other arrangements:

<input type="checkbox"/> Child-care expenses	\$ _____ or _____%	\$ _____ or _____%	_____
<input type="checkbox"/> Children's uninsured health-care expenses	\$ _____ or _____%	\$ _____ or _____%	_____
<input type="checkbox"/> Children's educational/other special needs	\$ _____ or _____%	\$ _____ or _____%	_____
<input type="checkbox"/> Travel expenses for visitation	\$ _____ or _____%	\$ _____ or _____%	_____
<input type="checkbox"/> Other (specify): _____	\$ _____ or _____%	\$ _____ or _____%	_____

b. Starting (date): _____ these support payments must be paid to:

- ☐ person in **1** ☐ person in **2** ☐ local child support agency ☐ Other: _____
☐ By the 1st of each month
☐ 50% on the 1st and 50% on the 15th of each month
☐ By earnings assignment order (order to withhold income)
☐ Other (specify): _____

☐ All payments to the local child support agency must be made to:

This is a Court Order.

Your name: _____

- 14** ☐ **Total Child Support Order**
- a. Total basic child support is \$_____/month.
- b. Total additional child support is \$_____/month (and/or the percentages listed in **13**).
- c. **Total Child Support Order**
(basic and additional child support) is \$_____/month, payable as listed in **12** and **13**.

Notice:

If you are late in paying child support, interest on overdue amounts will add up at the legal rate, which is currently 10% per year.

This support order will continue until:

- There is a different court order *or*
- The child marries, dies, turns 19, or is emancipated *or*
- The child turns 18 and is not a full-time high school student.

- 15** ☐ **Health-care expenses**
- a. ☐ Person in **1** ☐ Person in **2** will provide and keep health insurance for the children if it is available at no or reasonable cost through work or a group plan, including group plans available through self-employment. Both parents will cooperate to complete health-care claims as stated on **page 5** (Notice of Rights and Responsibilities: Health-Care Costs and Reimbursement Procedures). Parents may have peaceful written contact with each other in order to complete insurance claims.
- b. ☐ No health insurance is available to ☐ person in **1** ☐ person in **2** at a reasonable cost now.
- c. ☐ The parent with insurance will give the right of reimbursement to the other parent.
- d. ☐ Other (*specify*):

- 16** ☐ **Earnings Assignment Order (Order to Withhold Income)**
- a. ☐ A form FL-195/OMB No. 0970-0154, *Order/Notice to Withhold Income for Child Support*, will be issued.
Note: The parent paying child support must pay support to the other parent until support payments are deducted from the paying parent's wages, and must pay any support owed that is not covered by the earnings assignment.
- b. ☐ If the parent paying support is more than _____ days late in making a payment, the earnings assignment order will be served.
- c. ☐ There will be a **Qualified Medical Child Support Order** payable to:
☐ person in **1** ☐ person in **2**

- 17** ☐ **Employment Search Order**
- ☐ Person in **1** ☐ Person in **2** is ordered to seek employment ☐ as stated in the attachment ☐ as follows:
- _____
- _____

- 18** ☐ **Other orders**
- _____
- _____
- _____

This is a Court Order.

Case Number:

Your name: _____

- 19 These **required attachments** are attached and are a part of this order:
Notice of Rights and Responsibilities: Health-Care Costs and Reimbursement Procedures (pages 5 and 6)
Information Sheet on Changing a Child Support Order (pages 7 and 8)

20 **Notice Regarding Child Support Case Registry**

If there is a case open in the local child support agency, the parents must notify the local child support agency in writing within 10 days of any change in residence or employment.

If there is no open case in the local child support agency, both parties must complete and file with the court form FL-191, *Child Support Case Registry Form*, within 10 days of the date of this order. Thereafter, the parties must notify the court of any change in the information submitted within 10 days of the change by filing an updated form.

This is a Court Order.

If you have a child support order that includes a provision for the reimbursement of a portion of the child's or children's health-care costs and those costs are not paid by insurance, the law says:

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you have paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment either (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Disputed charges. If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion. If you claim that the other party has failed to

reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees and costs against a party who has been unreasonable.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. Burden to prove. The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. Cost of additional coverage. If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health-care providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times, consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health-care provider if that provider had been used will be the sole responsibility of the party incurring those costs.

Si usted tiene una orden de manutención de menores que disponga la devolución de costos incurridos por servicios de salud para menores y costos no cubiertos por el seguro médico, la ley dice lo siguiente:

1. Aviso. Se debe dar al otro padre una factura detallada relacionando los costos cobrados por servicios de salud que no estén cubiertos por seguro médico. Esta factura se le debe dar al otro padre con antelación razonable y no más tarde de 30 días después de haber recibido dichos cobros de pago.

2. Comprobante de pago total. Si usted ya pagó todos los costos de salud correspondientes a individuos no asegurados, deberá: (1) proporcionar al otro padre el comprobante de haber pagado y (2) pedirle al otro padre que le pague la porción de los costos que al otro padre le corresponda, según la orden del tribunal.

3. Comprobante de pago parcial. Si sólo pagó su porción de los costos no cubiertos por el seguro, debe: (1) darle al otro padre un comprobante indicando que ya pagó dicha porción, (2) pedir al otro padre que pague directamente al proveedor de servicios médicos la parte de los costos que al otro padre le corresponda y (3) darle al otro padre la información necesaria para que pague la factura.

4. Pago que le corresponde al padre notificado. Si usted recibe notificación del otro padre indicando costos incurridos por servicios de salud para individuos sin seguro, deberá pagar la porción que le corresponde a usted dentro del plazo ordenado por el tribunal, o si el tribunal no especifica un plazo, usted deberá pagar dichos costos, ya sea, (1) a más tardar en 30 días, desde la fecha en que recibió la notificación sobre los costos por pagar, (2) según un horario acordado por escrito entre usted y el otro padre o (4) según el horario adoptado por el tribunal.

5. Cuando se disputan los costos. Si usted disputa un costo, puede presentar al tribunal una moción (o pedimento) para resolver la disputa. Sólo podrá hacer esto, si paga el costo antes de presentar la moción. Si su reclamo consiste en que la otra

parte no le ha pagado a usted por un costo, o que no le ha pagado al proveedor de servicios de salud después de la notificación apropiada, usted puede presentar una moción ante el tribunal para resolver la disputa. El tribunal asumirá que si los costos ya se han pagado, dichos costos han sido razonables. Si una persona se comporta de una manera que no sea razonable, el tribunal puede imponerle que pague honorarios de abogado.

6. Cobertura de seguro por orden de tribunal. Si un adre tiene seguro de salud por orden del tribunal, ese seguro se usará todo el tiempo, siempre que esté disponible para cubrir los costos de servicios de salud.

a. Responsabilidad de comprobar. La responsabilidad de comprobar ante el tribunal que la cobertura de servicios de salud es inadecuada para los menores recae sobre la parte que reclama que es inadecuada.

b. Costos de cobertura adicional. Si uno de los padres compra un seguro de salud adicional al que haya sido ordenado por el tribunal, dicho padre deberá pagar todo el costo de la cobertura adicional. Y si uno de los padres usa una manera alterna para cubrir gastos médicos que cueste más que la cobertura dispuesta por el tribunal, dicho padre tendrá que pagar la diferencia.

7. Proveedor preferido para servicios de salud. Si la orden del tribunal especifica un proveedor preferido para servicios de salud, dicho proveedor deberá usarse siempre, según los términos de la póliza del seguro de salud. Si una de las partes decide usar un proveedor que no sea el preferido e incurre costos que podrían haber sido cubiertos por el proveedor preferido si se hubieran utilizado sus servicios, dicha parte asumirá la responsabilidad de cubrir los costos incurridos.

General information. The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) or *Stipulation and Order (Governmental)* (form FL-625).

When a child support order may be modified. The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net incomes of both parents are determined, along with the percentage of time each parent has physical custody of the children. The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking the court to change a child support order open with the local child support agency, you must fill out one of these forms:

- FL-680, *Notice of Motion (Governmental)* **or** FL-683 *Order to Show Cause (Governmental)* **and**
- FL-684, *Request for Order and Supporting Declaration (Governmental)*

If you are asking the court to change a child support order that is **not** open with the local child support agency, you must fill out one of these forms:

- FL-301, *Notice of Motion* **or** FL-300, *Order to Show Cause* **and**
- FL-310, *Application for Order and Supporting Declaration* **or**
- FL-390, *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms:

- FL-150, *Income and Expense Declaration* **or** FL-155, *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Talk to the family law facilitator at your court.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk will ask you to pay a filing fee. If you cannot afford the fee, fill out these forms too:

- Form 982(a)(17), *Application for Waiver of Court Fees and Costs*
- Form 982(a)(18), *Order on Application for Waiver of Court Fees and Costs*

You must serve the other parent. If the local child support agency is involved, serve it too.

This means someone 18 or over—**not you**—must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations). **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To determine court and calendar days, go to www.courtinfo.ca.gov/selfhelp/courtcalendars/.

The server must also serve blank copies of these forms:

- FL-320, *Responsive Declaration to Order to Show Cause or Notice of Motion* **and** FL-150, *Income and Expense Declaration*, **or**
- FL-155, *Financial Statement (Simplified)*

Then the server fills out and signs a *Proof of Service* (form FL-330 or FL-335). Take this form to the clerk and file it.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- FL-340, *Findings and Order After Hearing* **and**
- FL-342, *Child Support Information and Order Attachment*

Need help?

Contact the family law facilitator in your county or call your county's bar association and ask for an experienced family lawyer.



Información general

El tribunal acaba de dar una orden judicial sobre manutención de menores en esta causa. Esta orden permanecerá en efecto, a menos que alguna de las partes de la causa pida que se modifique. Sólo se puede modificar una orden de manutención de menores si se presenta ante el tribunal una moción (o pedimento) sobre modificación de manutención y si se da una copia de dicha moción a las partes interesadas en la causa. Si ambos padres llegan a un común acuerdo sobre una suma y si la agencia local que vigila la manutención de menores también acepta el acuerdo (si dicha agencia participa), se puede llenar y hacer que cada una de las partes firme una *Estipulación para Establecer o Modificar una Orden de Manutención de Menores* (formulario FL-350) o llenar y hacer que cada una de las partes firme una *Estipulación y Orden (Documento gubernamental)* (formulario FL-625).

¿Cuándo se puede modificar una orden de manutención de menores?

El juez toma varios factores en consideración cuando emite una orden judicial sobre el pago de manutención de menores. Primero, considera, el número de hijos. Luego, determina los ingresos de ambos padres y el porcentaje del tiempo que cada padre asume la custodia física de los hijos. El tribunal estudia el estado tributario (pago de impuestos) de ambas partes y puede tener en cuenta factores de dificultad económica, tales como la existencia de hijos de otra relación. Se puede modificar la orden sobre manutención de menores si ocurre un cambio considerable en los ingresos netos de uno de los padres, un cambio considerable en el tiempo que los menores pasan con cada uno de los padres, o cuando nace un nuevo hijo.

Ejemplos:

Si a usted se le ha ordenado pagar \$500 mensuales de manutención de menores y luego pierde su empleo. Continuará debiendo \$500 mensuales, más el 10% de intereses sobre la suma de manutención debida, a menos que presente una moción pidiendo que se modifique y se reduzca la suma de manutención y que el tribunal ordene dicha reducción.

Si usted está recibiendo \$300 mensuales por manutención de menores provenientes del otro padre y los ingresos de ese padre aumentan considerablemente, usted continuaría recibiendo \$300 mensuales, a menos que usted presente una moción para modificar la orden y que el tribunal ordene el aumento de la suma de manutención de menores.

Si paga manutención de menores basándose en que pasa un 30% de tiempo asumiendo la custodia parcial de sus hijos y después de varios meses, resulta que en efecto pasa el 50% del tiempo a cargo de la custodia física de sus hijos, en dado caso, podrá presentar una moción pidiendo que se reduzca la suma de manutención.

Cómo modificar una orden existente de manutención de hijos menores

Para modificar una orden de manutención de hijos menores usted debe radicar documentos ante el tribunal. Recuerde: Usted tiene la obligación de cumplir la orden judicial existente.

¿Qué formularios necesita?

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso esté abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-680 Aviso de petición (Gubernamental) o FL-683 Orden de motivos justificativos (Gubernamental) y
- FL-684 Solicitud de orden y declaración de respaldo

Si está pidiendo que el tribunal modifique una orden de manutención cuyo caso **no** esté abierto en la agencia local que vigila la manutención de menores, deberá llenar los siguientes formularios:

- FL-301 Aviso de petición o FL-300 Orden de motivos justificativos y
- FL-310 Solicitud para una orden y declaración de respaldo (Derecho de familia -Paternidad uniforme) o
- FL-390 Aviso de petición y petición simplificada de modificación de orden de manutención de hijos menores, de cónyuge o de familia

También deberá llenar uno de los siguientes formularios:

- FL-150 Declaración de ingresos y gastos o FL-155 Declaración sobre finanzas (Simplificada)

¿Qué puedo hacer si no sé qué formulario llenar?

Hable con el asesor legal del tribunal de familia.

Después de llenar los formularios, radíquelos en el tribunal y pida una audiencia ante el tribunal. Escriba la fecha de su audiencia en su formulario. En la secretaría le pedirán que pague la cuota de radicación. Si no tiene los medios para pagar la cuota, llene también los siguientes formularios:

- Formulario 982(a)(17) Solicitud de exención de cuotas y costos judiciales
- Formulario 982(a)(18) Orden de exoneración de cuotas y costos judiciales

Usted tiene que hacer la "entrega legal" de los formularios de

modificación al otro padre. Si la agencia local que vigila la manutención de hijos menores participa en la causa, entregue también a esa agencia los documentos.

Esto significa que una persona de no menos de 18 años (**y que no sea usted mismo**) debe entregar copias de los formularios por lo menos 16 días hábiles del tribunal antes de la audiencia. Se deben añadir 5 días más si la entrega se hace por correo postal dentro de California (véase Código Civil de Procedimientos, sección 1005 para ver otras situaciones). Los **días hábiles del tribunal** son los días cuando el tribunal está funcionando, de lunes a viernes, exceptuando los días feriados. Los **días calendarios** son todos los días de la semana, incluyendo los fines de semana y los días feriados. Para obtener mayor información, visite:

www.courtinfo.ca.gov/selfhelp/courtcalendars

La persona que haga entrega de la copia de los documentos deberá entregar copias de los siguientes formularios:

- FL-320 Declaración de respuesta y FL-150 Declaración de ingresos y gastos, o
- FL-155 Declaración de finanzas (Simplificada)

La persona que hace la entrega entonces llena y firma el comprobante de entrega (formularios FL-330 o FL-335). Luego, usted lleva este documento a la secretaría del tribunal para radicarlo.

Vaya a su audiencia ante el tribunal y pídale a juez que modifique la

manutención. Lleve consigo sus formularios más recientes de declaración de impuestos federales de los últimos dos años y sus talones de pago de los últimos dos meses. El juez estudiará la información presentada, escuchará a ambos padres y emitirá una orden. Después de la audiencia usted debe llenar los formularios:

- FL-340 Conclusiones y orden después de la audiencia y
- FL-342 Documento adjunto con información sobre manutención de menores y orden judicial.

¿Necesita ayuda?

Consulte con el Asesor Legal del Tribunal de Familia de su condado o llame al colegio de abogados de su condado y pida un abogado con experiencia en el tribunal de familia.

☒ This form is attached to form DV-130 (Restraining Order After Hearing), Item 15.

1 Protected person's name: _____

2 Restrained person's name: _____

3 ☐ **Property Control**

Only the person in 1 can use, possess, and control the following property: _____

4 ☐ **Debt Payment**

The person in 2 must make these payments until this order ends:

☐ Check here if you need more space. Attach Form MC-020 or a sheet of paper and write "DV-170, Item 4 — Debt Payment" at the top.

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

5 ☐ **Property Restraint**

The people in 1 and 2 must not transfer, borrow against, sell, hide, or get rid of any property, except in the usual course of business or for the necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court.

6 ☐ **Attorney Fees and Costs**

The person in 2 must pay the following lawyer fees and costs:

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

7 ☐ **Payments for Costs and Services**

The person in 2 must pay the following:

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

8 **Other Orders**

This is a Court Order.